Filed 7/17/19 P. ex rel. Sac. Metropolitan Air Quality Management Dist. v. Sprague CA3

NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE ex rel. SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT, Plaintiff and Respondent, v. JEROME SPRAGUE, Defendant and Appellant.	C085950 (Super. Ct. No. 03AS00061)

In 2008, the Sacramento Metropolitan Air Quality Management District (the District) obtained a judgment against defendant Jerome Sprague for willfully violating regulations governing the removal of asbestos containing material from a commercial

building. Since that time, the District and Sprague have sparred over the District's efforts to collect on its judgment.

Here, Sprague appeals from an order denying a motion styled as a "Motion . . . to Validate Fraud and Award Damages" brought under the auspices of Code of Civil Procedure section 697.410.[1] Although the precise grounds for appeal, like the basis for the motion itself, are unclear, we understand Sprague's primary argument to be that the court's refusal to allow oral argument on his motion violated due process, thus invalidating the decision.

We will affirm the superior court's order.

RELEVANT FACTUAL AND PROCEDURAL HISTORY

The underlying case was instituted by the District in 2003 for alleged violations of asbestos regulations resulting from the removal of "asbestos containing material" from a building owned by Sprague. In 2007, the matter was tried to a jury, which issued a special verdict finding Sprague's conduct violated the regulations. In 2008, the trial court assessed civil penalties against Sprague and entered judgment in the amount of $733,500 plus interest. Attempts to secure the judgment began soon thereafter, including the filing of a lien against Sprague. (§§ 708.410-708.480.)

We need not recount every skirmish in a battle that now spans more than a decade. Suffice it to say, the District continues in its attempts to collect the judgment, obtained the appointment of a receiver to assist in that recovery, and Sprague has attempted unsuccessfully on multiple occasions to convince the court that certain properties should be exempt from the District's efforts.

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[1] Undesignated statutory references are to the Code of Civil Procedure.

This brings us to the present motion "to validate fraud and award damages" pursuant to section 697.410.[2] In a minute order dated October 17, 2017, the superior court denied the motion on three grounds. First, no clear legal basis was articulated for the motion. Although Sprague invoked section 697.410, the trial court found that his papers failed to "address the text of that statute nor make the evidentiary showings required thereunder." Second, to the extent the motion repeated previously rejected arguments about the purported dismissal of Sprague's revocable trust from the action, it was deemed an improper motion for reconsideration that did not comply with the requirements of section 1008. Finally, the court concluded that it lacked jurisdiction to act on a motion for reconsideration after judgment had been entered. The order informed the parties in boldface type that "**No oral argument will be entertained by this Court.**" This appeal followed.

DISCUSSION

We begin with the well-settled principle that a " 'judgment or order of the lower court is *presumed correct.* All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.' " (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, an appellant must affirmatively demonstrate error through "meaningful legal analysis supported by citations to authority and citations to facts in the record that support the claim of error." (*In re S.C.* (2006) 138 Cal.App.4th 396, 408; Cal. Rules of Court, rule 8.204(a)(1)(B)-(C) [appellate briefs must "[s]tate each point under a separate heading or subheading summarizing the point, and support each point by argument and, if

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[2] Section 697.410 is entitled, "Release of erroneous judgment lien on real property." As its name suggests, it creates a mechanism to allow an individual, who is not the judgment debtor, relief from an erroneously imposed lien. (§ 697.410, subd. (a).)

possible, by citation of authority; and [¶] . . . [s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears"].) " 'The appellate court is not required to search the record on its own seeking error.' [Citations.]" (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.) "When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as [forfeited]. [Citations.]" (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785.)

Although Sprague is representing himself in this matter, "the rules of civil procedure . . . apply equally to parties represented by counsel and those who forgo attorney representation." (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.) We must hold Sprague to the same standards as a practicing attorney. (*Nwosu v. Uba*, *supra*, 122 Cal.App.4th at pp. 1246-1247 [a litigant "is not exempt from the [rules of procedure] because he is representing himself on appeal in propria persona. Under the law, a party may choose to act as his or her own attorney. [Citations.] '[S]uch a party is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys' "].) This rule is not intended to penalize self-represented litigants; instead, it is necessary to ensure the smooth operation of the courts.

Sprague's briefs lack focus and fail in many respects to comply with the rules outlined above. His noncompliance with the rules of appellate procedure alone would justify this court's refusal to consider his arguments. (*In re Mark B.* (2007) 149 Cal.App.4th 61, 67, fn. 2.) Nevertheless, we will address what appears to be Sprague's principal assignment of error, i.e., an alleged violation of his right to be heard through oral argument.

Sprague has cited no law suggesting that there is a general due process right to be heard at oral argument on every motion in the superior court. In fact, whether a right to oral argument exists on a statutory motion initially depends on the Legislature's intent. (*Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1244.)

Sprague was provided a meaningful opportunity to be heard through his motion papers. He has not explained how oral argument would have added anything to the issues presented in his papers. He also has not argued that he has a statutory right to a hearing, nor has he cited to a legislative scheme that would suggest that a full hearing was required in this instance.[3] Even if the statute did require a "hearing" on the matter, this does not necessarily mean that oral argument is required: "California courts have concluded that use of the terms 'heard' or 'hearing' does not require an opportunity for an oral presentation, unless the context or other language indicates a contrary intent." (*Lewis v. Superior Court, supra,* 19 Cal.4th at p. 1247; see also *Medix Ambulance Service, Inc. v. Superior Court* (2002) 97 Cal.App.4th 109, 113 ["Where a statute provides for a 'hearing,' it does not necessarily demand the parties be given an opportunity to orally argue the case"].) There is no indication of a contrary intent here.

On this record, we conclude that the superior court acted within its discretion in deciding Sprague's motion without hearing oral argument.

Other points raised by Sprague are either too vague, exceed the scope of this appeal, or are unsupported by reasoned argument and citations to the record and authority, and are thus deemed forfeited.

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[3] Section 697.410 is silent about whether an oral hearing is required. It merely provides, in relevant part: "If the judgment creditor does not deliver a recordable document pursuant to subdivision (b), the property owner may apply to the court on noticed motion for an order releasing the judgment lien on the property of such owner." (§ 697.410, subd. (c).)

DISPOSITION

The order is affirmed. The District shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1) & (2).)

KRAUSE, J.

We concur:

MAURO, Acting P. J.

MURRAY, J.